



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,152	01/20/2004	Edward E. Orner	POLY32	2560
<div>6980 7590 04/06/2010</div> <div>TROUTMAN SANDERS LLP</div> <div>5200 BANK OF AMERICA PLAZA</div> <div>600 PEACHTREE STREET, N.E.</div> <div>SUITE 5200</div> <div>ATLANTA, GA 30308-2216</div>				
<div>EXAMINER</div> <div>NGUYEN, KIMNHUNG T</div>				
<div>ART UNIT</div> <div>2629</div>		<div>PAPER NUMBER</div>		
<div>NOTIFICATION DATE</div> <div>04/06/2010</div>		<div>DELIVERY MODE</div> <div>ELECTRONIC</div>		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jim.schutz@troutmansanders.com

patents@troutmansanders.com

ellen.walters@troutmansanders.com

Office Action Summary

Application No.

10/761,152

Applicant(s)

ORNER ET AL.

Examiner

KIMNHUNG NGUYEN

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-17, 19 and 75-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-17, 19 and 75-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The claims 1-2, 4-17, 19 and 75-77 are pending.

This application results are as following.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobs et al. (US 5, 300, 943) in view of Ditzik (US 6,064, 373).

As to claim 1, Jakobs et al. disclose in fig. 1, a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height (see col. 8, lines 22-35), the frame comprising:

a base element (10);

a positioning element (3, or 4) for moving the interactive display between various heights; and at least one support extending vertically from the base element (see work surface having vertical frame);

the positioning element (3 or 4) housed within the at least one support (see work surface having vertical frame and horizontal frame); the positioning element configured to receive the interactive display. However, Jakobs do not disclose a position locking element for securing the interactive display at the desired height; and wherein the positioning element counterbalances the weight of the interactive display by applying an upward force to counteract a downward force of

the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with an upward repositioning force of less than about 25 pounds.

It would have been obvious to have the positioning element counterbalances the weight of the interactive display by applying an upward force to counteract a downward force of the interactive display as claimed by the invention because Jakobs et al. disclose the adjustment can be made to the angle and the vertical height of the work surface. A wide range of angular adjustments allows one to choose the most comfortable and efficient work surface angle (see col. 7, lines 29-39), and thereby allowing for the continuous level of vertical adjustment of the interactive display with an upward repositioning force of less than about 25 pounds, see col. 8, lines 13-16).

Ditzik discloses in fig. 6B, an adjustable flat panel screen comprising disclose a position locking element (actuator means 8 and unlocking, locking 4) for securing the interactive display at the desired height (see actuator assist means 8 attached to the hinge pin, see col. 8, lines 8-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a position locking element (8) for securing the interactive display at the desired height of Ditzik into the a support frame of Jakobs et al. for producing the claimed invention because this would provide to the user can easily adjust the position of the display panel by hand, the actuator means may include a locking and unlocking means for temporarily holding the display assembly in the desired position (see col. 8, lines 39-44).

As to claim 2, Jakobs et al. do not disclose the level of upward repositioning of the frame has a force ranges from about 1.0 ounce to about 3 pounds.

It would have been obvious to Jakobs's system to have the upward repositioning of the frame has a force of less than about 25 pounds claimed since such a modification would have involved a mere change in the weight of a system.

See In re Rose, 105 USPQ 237 (CCPA 1955) and

In re Reven, 156 USPQ 679 (CCPA 1968).

As to claim 4, Jakobs et al. disclose wherein the positioning element comprises a hydraulic, see col. 8, line 35.

As to claim 5, Jakobs et al. disclose wherein the hydraulic should be comprised a gas spring (see col. 8, line 35).

As to claim 6, Jakobs et al. disclose further comprising an interactive display mounted thereon (see fig. 1).

As to claim 7, Jakobs et al. disclose the support frame further comprising a plurality of vertical supports (2, 4).

As to claim 8, Jakobs et al. disclose further wherein at least one horizontal support connects at least two of the plurality of vertical supports (see fig. 1).

As to claim 9, Jakobs et al. disclose further the interactive display is selected from the group of a touch-sensitive display (see a hand-held stylus is sensed by the overlay control device, see abstract)

As to claim 10, Jakobs et al. disclose further comprising a power source (14) should be secured to the support frame (fig. 1).

4. Claims 75, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobs et al. (US 5, 300, 943).

As to claim 75, Jakobs et al. disclose in fig. 1, a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height, the frame comprising: a base element (10); at least one support (3 or 4) in communication with the base element (10); and a positioning assembly (3 or 4) in communication with the support (3 or 4) and configured to receive the interactive display, wherein the interactive display is positionable at any height between the bottom height and the top height (see col. 8, lines 22-35). However, Jakobs et al. do not disclose the positioning assembly enabling positioning of the interactive display in a continuous range between the bottom height and the top height.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the positioning assembly enabling positioning of the interactive display in a continuous range between the bottom height and the top height as claimed invention because Jakobs et al. disclose the vertical adjustments are provided, ranged from seated-use desk height, to standing-use lectern height, see col. 7, lines 36-38).

As to claim 77 is rejected as the same as claim 75.

5. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobs et al. (US 5, 300, 943) and Ditzik (US 6,064, 373) and in view of Juenger (US 2003/0206164).

Jakobs et al. and Ditzik do not disclose further comprising an internal power source for powering the interactive display without physical connection to an external power source.

Juenger discloses in fig. 1 a display system comprising an internal power source (22) for powering the interactive display without physical connection to an external power source (see [0020]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the internal power source as taught by Juenger into the interactive display system of Jakobs et al. and Ditzik for producing the claimed invention because this would provide power for limited duration and is re-charged by power received from external power adapter (see [0020]).

6. Claims 11-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobs et al. (US 5, 300, 943) in view of Ditzik (US 6,064, 373) as applied to claim 1 above, and further in view of Omura et al. (US 2003/0001825).

As to claims 11-17, Jakobs et al. and Ditzik do not specifically disclose the power source is rechargeable, or a battery; or a power cord for recharging includes an inherent power level indicator.

Omura et al. disclose the power source is rechargeable, or a battery [0248]; or a power cord for recharging includes an inherent power level indicator [0248].

From claims 11-17, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the power source is rechargeable, or wherein the power source comprises a battery as taught by Omura et al. into the support frame of Jakobs et al. and Ditzik for producing the claimed invention because this would provide the equipment accommodating section is a power tap for supplying to the display board system (see 0248).

As to claim 19, Jakobs et al. and Ditzik do not specifically disclose the support frame comprising a plurality of mobile element mounted on the base element.

Omura et al. disclose in figs. 29-30, the support frame comprising a plurality of mobile element (616) mounted on the base element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the support frame comprising a plurality of mobile element mounted on the base element as taught by Omura et al. into the support frame of Jakobs et al. for producing the claimed invention because this would provide to indicate caster for moving the display board system with the entire frame unit [0248].

Response to Arguments

7. Applicant's arguments with respect to claims 1-2, 4-17, 19 and 75-77 filed 8/24/09 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMNHUNG NGUYEN whose telephone number is (571)272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimnhung Nguyen/
Examiner, Art Unit 2629